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VIA HAND DELIVERY

Ms. Magalie R. Salas
Secretary
Federal Communications Commission
The Portals
445 12th Street, SW
Washington, DC 20554

Re: MM DOCKET NO. 99-268
RM-9691

Dear Ms. Salas:

On behalf of Sarkes Tarzian, Inc., the proponent of the above-referenced rule making proceeding, there are transmitted herewith an original and five copies of its *Reply to Motion to Strike, or in the Alternative, Motion for Leave to File Accompanying Reply Comments*. This filing is submitted in response to the *Opposition to Motion to Strike* filed in this proceeding on Novmebr 8, 1999 by Media General Broadcasting, Inc.

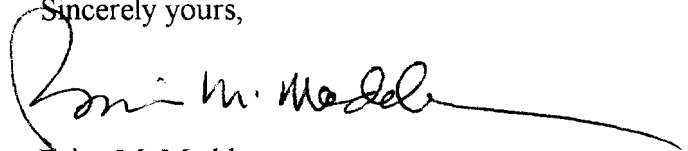
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Ms. Magalie R. Salas
November 17, 1999
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If any additional information is desired in connection with this matter, please contact the undersigned counsel.

Sincerely yours,



Brian M. Madden

BMM/tlm
Enclosure

cc: Pam Blumenthal
John R. Feore, Jr., Esq.
Scott S. Patrick, Esq.

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554

In the Matter of

| | | |
|---------------------------------------|---|----------------------|
| Amendment of Section 73.622(b), |) | MM Docket No. 99-268 |
| Table of Allotments, |) | RM-9691 |
| Digital Television Broadcast Stations |) | |
| (Chattanooga, Tennessee) |) | |

To: Chief, Video Services Division

**REPLY TO OPPOSITION TO MOTION TO STRIKE, OR IN THE ALTERNATIVE,
MOTION FOR LEAVE TO FILE ACCOMPANYING REPLY COMMENTS**

Sarkes Tarzian, Inc. ("STP"), licensee of Station WRCB-TV, NTSC Channel 3, Chattanooga, Tennessee, by its attorneys, respectfully submits these brief comments in response to the *Opposition to Motion to Strike* filed on November 8, 1999 by Media General Broadcasting, Inc. ("Media General").

STI will not repeat the arguments which it made in its *Motion to Strike, or in the Alternative, Motion for Leave to File Accompanying Reply Comments*, submitted on October 26, 1999. STI notes that if Media General had followed the procedures prescribed by the Commission's rules in rule making proceedings -- to file its opposition to a proposal by the comment date, rather than to wait until reply comments to do so -- the submission of the substantive aspects of its most recent pleading would have been proscribed. However, in one respect, Media General's assertions about the Commission's prior statements regarding changes to the DTV Table of Allotments are fundamentally wrong and should be corrected; in this regard,

if it is deemed necessary, STI requests that it be permitted to submit its rebuttal to Media General's comments.

Media General contends that the Commission has "stated that, in the event affected stations objected, it would deny a request for modification of an initial allotment if the proposal would create objectionable interference," citing the *Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order* in MM Docket No. 87-268 (the "*Reconsideration Order*"). Media General also asserts that STI has departed from a "framework" established by the Commission "to permit broadcasters to modify their DTV allotments through consensus," citing Section 73.623(f) of the rules. *Opposition to Motion to Strike* at 4. Neither of these arguments are relevant to this rule making proceeding.

The cited reference at paragraph 187 of the *Reconsideration Order* occurs in the course of the Commission's discussion of requests for changes to the initial DTV Table that were advanced by *low power* licensees in order to protect the existing operations of their *LPTV and TV translator facilities*, which is far different than the circumstances in this instance. While it is true that the Commission has throughout the many years of the DTV proceeding encouraged full-service licensees to work together to agree upon "alternative allotment approaches and plans" when the DTV Table was under development, *see, e.g., Reconsideration Order* at para. 186, the Commission has never required that changes to the DTV Table advanced *after* those initial allotments were finalized be subject to mutual agreement among stations, as Media General claims. The Commission has developed a full range of considerations for subsequent changes to the DTV Table -- indeed, different considerations apply to changes advanced by existing stations

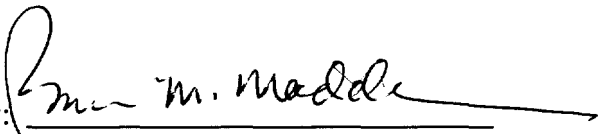
than for proposals for new DTV allotments. *Compare* Section 73.623(c) with Section 73.623(d) and see, e.g., *Reconsideration Order* at para. 157. As evidenced by the issuance of the *Notice of Proposed Rule Making* in this instance, STI has satisfied the applicable standards.

Similarly, Section 73.623(f) of the rules provides for flexibility in the mutual approval of proposals to maximize DTV facilities by DTV licensees or to the “exchange of channel allotments” that may be negotiated with the Commission’s consent in order to accelerate the initiation of DTV service. See *Reconsideration Order* at para. 145. This rule does not apply to the type of request advanced in this proceeding by STI.

For the reasons previously advanced, STI respectfully requests that the Commission approve the proposed substitution of Channel 13 for Channel 55 as the paired DTV allotment for Station WRCB-TV and deny the objections submitted by Media General.

Respectfully submitted,

SARKES TARZIAN, INC.

By: 
Brian M. Madden

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November 17, 1999

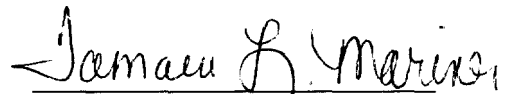
Its Attorneys

CERTIFICATE OF SERVICE

I, Tamara L. Mariner hereby certify that true and correct copies of the foregoing "Reply to Opposition to Motion to Strike, or in the Alternative, Motion for Leave to File Accompanying Reply Comments" were sent by hand delivery this 17th day of November 1999 to the following:

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